

amended. Claims 2-6, 11-13, and 15-19 stand as originally filed. Re-examination and reconsideration are requested.

To facilitate entry of the amendments to the specification and claims, please find attached hereto a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

In the Office Action, paper number 5, dated June 24, 2002, (the response date of which is modified by the Interview Summary, paper number 7, dated August 12, 2002), the examiner rejected claims 1-2, 4-6, 10, 11, 13-16, 19, and 20 under 35 U.S.C. §102(b) as being anticipated by Dankman, et al., U.S. Patent No. 5,491,609 ("Dankman"). The examiner also rejected claims 1, 3, 7-10, 12, 14, and 18 under 35 U.S.C. §102(b) as being anticipated by Kersey, et al., U.S. Patent No. 5,870,245 ("Kersey").

Applicants believe that none of the currently-pending claims are anticipated by or obvious over the cited references and respectfully traverse the examiner's rejections for the reasons that will be set forth below.

Legal Standard For Rejecting Claims
Under 35 U.S.C. §102

The standard for lack of novelty, that is, for "anticipation," under 35 U.S.C. §102 is one of strict identity. To anticipate a claim for a patent, a single prior source must contain all its essential elements. Hybritech, Inc. v. Monoclonal Antibodies, Inc., 231 USPQ 81, 90 (Fed. Cir. 1986). Invalidity for anticipation requires that all of the elements and limitations of the claims be found within a single prior art reference. Scripps Clinic & Research Foundation v. Genentech, Inc., 18 USPQ2d 1001 (Fed. Cir. 1991). Furthermore, functional language, preambles, and language in "whereby," "thereby," and "adapted to" clauses cannot be disregarded. Pac-Tec, Inc. v. Amerace Corp., 14 USPQ2d 1871 (Fed. Cir. 1990).

Argument:

Summary of Argument:

Neither Dankman nor Kersey meet each and every limitation contained in the currently-pending claims, as amended. Consequently, neither Dankman nor Kersey anticipate the currently-pending claims.

Re the Rejections of Claims 1, 2, 4-6, 10, 11, 13-16, 19, and 20:

The examiner rejected claims 1, 2, 4-6, 10, 11, 13-16, 19, and 20 under 35 U.S.C. §102(b) as being anticipated by Dankman. However, the examiner's rejections of these claims are moot at least in light of the amendments to the claims. Specifically, claim 1 is amended to require that the frame have "a lower plate and an upper plate positioned in generally parallel, spaced-apart relation," that the lower and upper plates have "a plurality of sets of mounting locations provided thereon so that the frame defines a first component configuration and a second component configuration," that the first and second cartridge receiving devices be located "substantially between the upper and lower plates of said frame when said frame is in the first configuration," and that the third cartridge receiving device be located "substantially between the upper and lower plates of said frame when said frame is in the second component configuration." These elements and limitations are not disclosed in Dankman.

Dankman discloses a portable electronic platform system having a platform 100 that defines three docking bays 310, 320, and 330. The bays are in an indented area or niche 307 provided in the rear of the platform 100. Dankman's platform 100 does not include any elements or things that correspond to the upper and lower plates defined by claim 1. It follows that Dankman also fails to disclose an arrangement wherein first and second cartridge receiving devices are located "substantially between the upper and lower plates" when the frame "is in the first component configuration" as also required by claim 1. Dankman

also fails to disclose an arrangement wherein a third cartridge receiving device is located "substantially between the upper and lower plates" when the frame "is in the second component configuration." Because Dankman does not meet all of the limitations recited in amended claim 1, Dankman cannot anticipate amended claim 1.

Dependent claims 2 and 4-6 are believed to be allowable over Dankman in that they depend from claim 1, which is allowable over Dankman.

Independent claim 10, as amended, is also allowable over Dankman for substantially the same reasons as set forth above for claim 1. That is Dankman does not disclose a frame having "a lower plate and an upper plate positioned in generally parallel, spaced-apart relation, said lower and upper plates of said frame having a plurality of sets of mounting locations provided thereon so that said frame defines a first component configuration and a second component configuration." Dankman also fails to disclose an arrangement wherein first and second cartridge receiving devices are located "substantially between the upper and lower plates of said frame when said frame is in the first component configuration" and wherein the third cartridge receiving device is located "substantially between the upper and lower plates of said frame when said frame is in the second component configuration." Accordingly, claim 10, as amended, is allowable over Dankman.

Dependent claims 11 and 13 are believed to be allowable over Dankman in that they depend from claim 10, which is allowable over Dankman.

Independent claim 14, as amended, is also allowable over Dankman for substantially the same reasons as set forth above for claims 1 and 10. That is Dankman does not disclose a frame having "a lower plate and an upper plate positioned in generally parallel, spaced-apart relation, said lower and upper plates of said frame having a plurality of sets of mounting locations provided thereon so that said frame defines a first component

configuration and a second component configuration." Dankman also fails to disclose an arrangement wherein first and second cartridge receiving means are located "substantially between the upper and lower plates of said frame when said frame is in the first component configuration" and wherein the third cartridge receiving means is located "substantially between the upper and lower plates of said frame when said frame is in the second component configuration." Accordingly, claim 14, as amended, is allowable over Dankman.

Dependent claims 15, 16, and 19 are believed to be allowable over Dankman in that they depend from claim 14, which is allowable over Dankman.

Method claim 20, as amended, is also allowable over Dankman for substantially the same reasons as set forth above for claims 1, 10, and 14. That is Dankman does not disclose a method of providing a frame having "a lower plate and an upper plate positioned in generally parallel, spaced-apart relation." Dankman also fails to disclose defining a first component configuration "wherein said first and second cartridge receiving devices are located substantially between the upper and lower plates of said frame when said frame is in the first component configuration" and "wherein said third cartridge receiving device is located substantially between the upper and lower plates of said frame when said frame is in the second component configuration." Accordingly, claim 20, as amended, is allowable over Dankman.

Re the Rejections of Claims 1, 3, 7-10, 12, 14, and 18:

The examiner rejected claims 1, 3, 7-10, 12, 14, and 18 under 35 U.S.C. §102(b) as being anticipated by Kersey. The examiner's rejections of these claims are improper in that Kersey fails to meet each and every limitation contained in the rejected claims. Specifically, claim 1 requires that the first and second cartridge receiving devices "together occupy a volumetric space within the frame" and that the third cartridge receiving device

occupies "substantially the same volumetric space within said frame as is occupied by said first and second cartridge receiving devices in said first component configuration." These elements and limitations are not disclosed in or suggested by Kersey.

5 The examiner's rejections are based on a revised interpretation of Kersey. More specifically, on page 5 of the office action, the examiner asserts that Figure 4b of Kersey corresponds to the first component configuration defined by claim 1. In this configuration, two tape drives 62 are positioned
10 above a cartridge rack 74. However, the examiner regards only the lower tape drive 62 as being the "first cartridge receiving device." The examiner regards the cartridge rack 74 as being the "second cartridge receiving device." The examiner then asserts that Figure 4c of Kersey corresponds to the second component
15 configuration defined by claim 1. In this configuration, the two tape drives 62 are absent, being replaced by a full-length cartridge rack 50. The examiner asserts that this full-length cartridge rack 50 corresponds to the "third cartridge receiving device" of claim 1.

20 Considering these assumptions to be true, the full-length cartridge rack 50 of Figure 4c, fails to meet the requirements of claim 1 in that the full-length cartridge rack 50 does not "occupy substantially the same volumetric space within said frame as is occupied by" the tape drive 62 and cartridge rack 74 of
25 Figure 4b. Instead, the full-length cartridge rack 50 also occupies the space previously occupied by the upper tape drive 62. Stated another way, in Kersey, the third cartridge receiving device (e.g., Kersey's full-length cartridge rack 50) in the second configuration (Kersey's Figure 4c) occupies a space
30 greater than that occupied by the first and second cartridge receiving devices (e.g., Kersey's lower tape drive 62 and rack 74) in the first configuration (Kersey's Figure 4b).

Because Kersey does not meet all of the limitations recited in claim 1, that is, because Kersey does not disclose or suggest
35 an arrangement wherein first and second cartridge receiving

devices "together occupy a volumetric space within said frame" and wherein a third cartridge receiving device occupies "substantially the same volumetric space within said frame as is occupied by said first and second cartridge receiving devices in said first component configuration," Kersey cannot anticipate claim 1.

Dependent claim 3 is believed to be allowable over Kersey in that it depends from claim 1, which is allowable over Kersey.

Kersey also fails to disclose each and every element and limitation contained in claim 10. That is, Kersey fails to disclose a reconfigurable cartridge processing module wherein a "third cartridge device in said second component configuration" substantially replaces "said first and second cartridge receiving devices in said first component configuration and vice-versa, so that a volumetric space occupied by said first and second cartridge receiving devices in said first component configuration is substantially occupied by said third cartridge receiving device in said second component configuration and vice-versa." Accordingly, claim 10 is allowable over Kersey.

Dependent claim 12 is believed to be allowable over Kersey in that it depends from claim 10, which is allowable over Kersey.

Claim 14 also defines subject matter that is not disclosed by Kersey. That is, Kersey does not disclose a reconfigurable cartridge processing module wherein a "third cartridge means in said second component configuration" substantially replaces "said first and second cartridge receiving means in said first component configuration and vice-versa, so that a volumetric space occupied by said first and second cartridge receiving means in said first component configuration is substantially occupied by said third cartridge receiving means in said second component configuration and vice-versa." Accordingly, claim 14 is allowable over Kersey.

Dependent claim 18 is believed to be allowable over Kersey in that it depends from claim 14, which is allowable over Kersey.

Applicants believe that all of the claims now pending in this patent application are allowable and that all other issues raised by the examiner have been rectified. Therefore, applicants respectfully request the examiner to reconsider her rejections and to grant an early allowance. If any questions or issues remain to be resolved, the examiner is requested to contact the applicants' attorney at the telephone number listed below.

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)

COFFIN, Paul, C., et al.)

Serial No. 09/624,798)

Filing Date: July 24, 2000)

For: RECONFIGURABLE CARTRIDGE)
PROCESSING MODULE FOR STORING)
CARTRIDGE RECEIVING DEVICES)
IN A DATA STORAGE SYSTEM)

Examiner: Watko, J.A.

Group Art Unit: 2652

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

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In the Claims:

Please amend claims 1, 10, 14, and 20 as follows:

1. (Twice Amended) A reconfigurable cartridge processing module for use in a data storage system, comprising:

a frame, said frame having a lower plate and an upper plate positioned in generally parallel, spaced-apart relation, said lower and upper plates of said frame having a plurality of sets of mounting locations provided thereon so that said frame defines a first component configuration and a second component configuration, the first component configuration comprising:

a first cartridge receiving device mounted to a first set of the plurality of sets of mounting locations provided on said frame so that said first cartridge receiving device is located at a first position within said frame; and

a second cartridge receiving device mounted to a second set of the plurality of sets of mounting locations provided on said frame so that said second cartridge receiving device is located at a second

position within said frame, said first and second cartridge receiving devices together occupying a volumetric space within said frame, wherein said first and second cartridge receiving devices are located substantially between the upper and lower plates of said frame when said frame is in the first component configuration;

the second component configuration comprising a third cartridge receiving device mounted to a third set of the plurality of sets of mounting locations provided on said frame, said third cartridge receiving device occupying substantially the same volumetric space within said frame as is occupied by said first and second cartridge receiving devices in said first component configuration, wherein said third cartridge receiving device is located substantially between the upper and lower plates of said frame when said frame is in the second component configuration.

10. (Twice Amended) A reconfigurable cartridge processing module for use in a data storage system, comprising:

a frame, said frame having a lower plate and an upper plate positioned in generally parallel, spaced-apart relation, said lower and upper plates of said frame having a plurality of sets of mounting locations provided thereon so that said frame defines a first component configuration and a second component configuration, the first component configuration comprising:

a first cartridge receiving device mounted to a first set of the plurality of sets of mounting locations provided on said frame so that said first cartridge receiving device is located at a first position within said frame; and

a second cartridge receiving device mounted to a second set of the plurality of sets of mounting locations provided on said frame so that said second

cartridge receiving device is located at a second position within said frame, the second position being located adjacent the first position so that said second cartridge receiving device is located alongside said first cartridge receiving device, wherein said first and second cartridge receiving devices are located substantially between the upper and lower plates of said frame when said frame is in the first component configuration;

the second component configuration comprising a third cartridge receiving device mounted to a third set of the plurality of sets of mounting locations provided on said frame, said third cartridge receiving device in said second component configuration substantially replacing said first and second cartridge receiving devices in said first component configuration and vice-versa, so that a volumetric space occupied by said first and second cartridge receiving devices in said first component configuration is substantially occupied by said third cartridge receiving device in said second component configuration and vice-versa, wherein said third cartridge receiving device is located substantially between the upper and lower plates of said frame when said frame is in the second component configuration.

14. (Twice Amended) A reconfigurable cartridge processing module for use in a data storage system, comprising:

[frame means for defining] a frame, said frame having a lower plate and an upper plate positioned in generally parallel, spaced-apart relation, said lower and upper plates of said frame having a plurality of sets of mounting locations provided thereon so that said frame defines a first component configuration and a second component configuration, the first component configuration comprising:

first cartridge receiving means mounted to said frame [means] for receiving at least one data cartridge; and

5 second cartridge receiving means mounted to said frame [means] for receiving said at least one data cartridge, wherein said first and second cartridge receiving means are located substantially between the upper and lower plates of said frame when said frame is in the first component configuration;

10 the second component configuration comprising third cartridge receiving means mounted to said frame [means] for receiving said at least one data cartridge, said third cartridge receiving means in said second component configuration replacing said first and second cartridge receiving means in said first component configuration and
15 vice-versa so that a volumetric space occupied by said first and second cartridge receiving means in said first configuration is substantially occupied by said third cartridge receiving means in said second configuration and
20 vice-versa, wherein said third cartridge receiving means is located substantially between the upper and lower plates of said frame when said frame is in the second component configuration.

20. (Twice Amended) A method, comprising:

25 providing a frame having a lower plate and an upper plate positioned in generally parallel, spaced-apart relation, said lower and upper plates of said frame having a plurality of sets of mounting locations thereon;

30 defining a first component configuration by mounting a first cartridge receiving device to a first set of the plurality of sets of mounting locations provided on said frame and by mounting a second cartridge receiving device to a second set of the plurality of sets of mounting locations provided on said frame so that the second



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